

## **REMARKS**

In the Office Action, the Examiner rejected claims 1-5 and 7-37 under 35 USC §103. Applicant respectfully traverses these rejections.

The claims have been amended to correct various typographical errors and in order to expedite allowance of the pending claims. Applicant reserves the right to re-introduce claims of the same or similar scope as the claims that are being amended. New claims 39-44 have been added. Claims 1-5, 7-13, 15-19, 21-30, and 32-44 are now pending.

Reconsideration of the application is respectfully requested based on the following remarks.

### **REJECTION OF CLAIMS UNDER 35 USC §103**

In the Office Action, the Examiner rejected claims 1-2, 4-5, 9-14, 20-21, 31-34, and 37-38 under 35 USC §103(a) as being unpatentable over Dorenbosch et al, U.S. Pub. No. 2005/0048977, ('Dorenbosch' hereinafter) in view of Jeyaseelan et al, U.S. Pub. No. 2005/0070275, ('Jeyaseelan' hereinafter).

Each of the pending claims triggers roaming of a network device based upon threshold values. Specifically, the speed of the network device is detected, and one or more threshold values at the detected speed are either ascertained (e.g., see claims 1, 20, 32, 33, and 34) or modified (e.g., see claims 21 and 31). Roaming is triggered based upon whether a trigger value meets the threshold value at the detected speed.

Claims 1, 20, 32, 33, and 34 recite, "ascertaining one or more threshold values corresponding to one or more trigger events and the detected speed of the network device." Thus, the threshold values correspond to the detected speed of the network device. For example, as recited in claim 1, the threshold values may be obtained from a profile that includes a plurality of sets of threshold values, where each of the sets of threshold values corresponds to a different set of one or more speeds of a plurality of speeds.

With respect to Dorenbosch, the Examiner asserts:

(‘977 teaches detecting a triggering event, which is the detection of a wireless local area network border cell (210), fig. 2, or a degradation in signal quality (same as ascertaining threshold value, such as signal strength or degradation of quality), refer to para: [0009] and abstract); wherein one or more threshold values have been configured at the network device (‘977 teaches, if the speed and/or displacement of the device exceeds a predetermined threshold (predetermined threshold value is same as configured at the network device), refer to para: [0009]); (It is important to note that this routine is executed periodically which obviously generates profile of values corresponding to speed and events, refer to para: [0037]. ‘977, further, teaches each of threshold values corresponding to different sets of speeds, and triggering events, refer to fig. 8 step 812 and fig. 9 step 912).

Paragraph [0037] cited by the Examiner discloses determining “if the speed and/or displacement information exceeds a predetermined threshold.” The Examiner further refers to 812 of FIG. 8 and 912 of FIG. 9, which determine whether “speed/displacement greater than second threshold” if the speed and/or displacement of the device exceeds a first predetermined threshold and the signal strength of the WAN signal is still good. See e.g., paragraph [0038]. Thus, it appears that the “threshold” of Dorenbosch is merely a speed or “displacement.” Nothing in Dorenbosch discloses or suggests that threshold values other than speeds correspond to a set of speeds. More particularly, nothing in Dorenbosch discloses or suggests that each of the sets of threshold values corresponds to a different set of one or more speeds of a plurality of speeds, where the threshold values include maximum data retry count, maximum number of beacons missed, maximum data rate shift, or signal strength, wherein the threshold values do not include one or more speeds, as recited in claim 1, as amended. Similarly, nothing in Dorenbosch discloses or suggests wherein each of the plurality of sets of threshold values corresponds to but does not include a different set of one or more speeds of a plurality of speeds, as recited in claim 10, as amended.

Nothing in the cited references, separately or in combination, discloses or suggests that threshold values such as maximum data retry count, maximum number of beacons missed, maximum data rate shift, or signal strength may vary according to the speed of a mobile device

In view of the deficiencies of the primary references discussed above, Applicant respectfully asserts that the combination of the cited references would fail to operate as claimed.

Moreover, claim 21 recites, “modifying one or more threshold values” in a profile, as claimed. However, nothing in Dorenbosch or Jeyaseelan, separately or in combination, discloses or suggests modifying one or more threshold values in a profile configured at the network device, as claimed.

Applicant respectfully asserts that the remaining references fail to cure the deficiencies of the primary references. Based on the foregoing, it is submitted that the independent claims are patentable over the cited references. In addition, it is submitted that the dependent claims are also patentable for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further-discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103.

#### **SUMMARY**

An early Notice of Allowance is earnestly solicited. If there are any further issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504480 (Order No. CISC360).

Respectfully submitted,  
WEAVER AUSTIN VILLENEUVE & SAMPSON LLP

/Elise R. Heilbrunn/  
Elise R. Heilbrunn  
Reg. No. 42,649

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100